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04 UNITED STATES DISTRICT COURT
05 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE


06 LARRY J. NICHOLSON, II,) CASE NO. C08-0798-MJP
07)
Plaintiff,)
08)
v.) ORDER
09)
V. FERNANDEZ,)
10)
Defendant.)
11 _____)

12 The Court, having reviewed defendant's motion for summary judgment, plaintiff's
13 response, the Report and Recommendation of the Honorable Mary Alice Theiler, United States
14 Magistrate Judge, any objections thereto, and the balance of the record, does hereby find and
15 ORDER:

- 16 (1) The Court adopts the Report and Recommendation (Dkt. No. 30);
17 (2) Plaintiff's objection that Mr. Fernandez knew of Inmate Saiz's anger related to
18 his housing assignment is insufficient evidence to survive summary judgment.
19 (See Dkt. No. 31 at 3.) On the evidence provided, Officer Fernandez had no
20 knowledge of a specific threat to Mr. Nicholson.
21 (3) Defendant's motion for summary judgment (Dkt. No. 16) is GRANTED;
22 (4) The complaint and this action are DISMISSED with prejudice; and

(5) The Clerk is directed to send copies of this Order to plaintiff, to counsel of record, and to Judge Theiler.

DATED this 20th day of April, 2009.


Marsha J. Pechman
United States District Judge